CITY WEBSITES

PURPOSE

The City of Newport Beach ("City") websites have been created and maintained for exclusive use by the City in communicating information relevant to the City's mission to the public. The City websites are not public fora for debate or discussion of controversial issues or topics. The purpose of the City's websites is to provide timely information about City services, officials, programs, projects and events to the local community and the general public. The City exclusively controls the content of all City websites.

A. <u>External Links</u>

The City of Newport Beach website may provide hyperlinks (hereinafter "links") to external websites that provide additional information on selected topics. Links shall be posted at the City's sole discretion, and shall not be posted at the request of third parties. The City Manager has overall responsibility for determining which individual links to third party websites shall be posted. Department Directors shall submit recommendations to the City Manager's Office to post links they believe are consistent with the purposes and provisions of this policy. The City Manager or his designee shall review all Department recommendations to post specific links, and shall publish links only when they: (1) are determined to fall within the categories described below, and/or (2) are determined to be consistent with the purposes of this Policy as stated above. All links approved by the City Manager's Office shall be reviewed by the Office of the City Attorney.

No external links shall be construed as an endorsement of, and the City of Newport is not responsible for, the content of any such external websites. An external link is not intended to create a designated or limited public forum on any portion of the City website. If the City decides to post an external link on one of its websites, the City alone shall determine how, when and where links are located on its website.

- 1. The City Manager or his/her designee may approve links within the following categories:
 - a. Other government agencies;

- b. Firms with franchise agreements with the City, such as for utilities, cable TV and/or internet service, waste removal and other similar companies which provide service to residents of the City under agreement with the City;
- c. Links to corporate or company sites that provide web-based automated solutions specifically designed for use by the City and/or the public through the City website. These applications may be hosted internally or externally;
- d. Organizations in a direct contractual relationship with the City, that receive funding in the form of either monetary or in-kind contribution from the City to promote the economic and cultural development of the City, in areas such as commerce, dining, tourism, and arts and entertainment within the City;
- e. For the Newport Beach Public Library ("Library") website, and/or any section of the City website used for Library purposes, links that support the Library's mission to meet the cultural, educational and informational needs of Library customers.
- 2. The City website shall not include links to websites that:
 - a. Promote or exhibit hate, bias, discrimination, "adult-oriented" material or material not suitable for viewing by persons of all ages, or material with libelous or otherwise defamatory content;
 - b. Advocate the agenda or position of a political party, candidate for elected office, ballot initiative, or campaign or fundraising websites of holders of or candidates for political office (whether elected or appointed), unless (1) the link is to a website that contains only speech the City wishes to adopt as its own, as indicated by an action adopted by Council, and (2) no violation of Government Code Section 54964 (prohibiting expenditures of public funds on any communication that expressly advocates approval or rejection of a clearly identified ballot measure, initiative or candidate certified to appear on a local ballot) is reasonably likely to result. No linked website shall post communications on its homepage that expressly advocate the approval or rejection of a clearly identified

ballot measure or candidate certified to appear on the local ballot; if it does so the City shall remove the link from the City websites immediately. The City websites shall remain consistent with federal policies on Gov Internet domains that prohibit references and links to specific websites operated by campaigns and any campaign entity or committee, and websites containing political acronyms or party names.

- c. Violate any of the City's equal opportunity policies; and/or
- d. Are personal in nature and are operated by individuals. (This category shall include all blogs and chat groups.)

B. Links to the City of Newport Beach Website

Permission is not needed to link to the City website; provided that links to the City website do not load into an existing frame and City information is not made to appear as if it is part of the linked website.

C. <u>Privacy</u>

The City of Newport Beach utilizes automated tools to log information about each visit to its website. The information collected is used to determine site performance and identify visitor trends such as popular pages and frequently downloaded files. The City of Newport Beach has security measures to limit access to personal information submitted via its website. Any information regarding an individual that is collected will be used by the City only for the intended purpose. The City will not disclose this information to any third party, unless required to do so under federal or state law, including, but not limited to, the California Public Records Act. All requests for public records shall be handled in accordance with the provisions of Council Policy E-1.

D. Accessibility

The design of the City website shall meet the standards outlined in the U.S. Section 508 accessibility guidelines.

E. Service Marks, Trademarks and Copyright

All intellectual and proprietary property rights, including copyrights and rights to service marks and trademarks, as to any and all text, material, images and/or content appearing on or accessible through the City website, belong to the respective owners of these rights. The City owns all other intellectual and proprietary property rights, including copyrights and rights to service marks and trademarks, as to the City Seal, all City logos, symbols, emblems, and any and all other images, designs, content and materials created by or on behalf of the City that appear on or are accessible through the City website. No person or entity shall: modify and or use the text, images or other City website content from a web server; distribute the City's web content; or "mirror" the City's information on a non-City server without written permission from the City Manager or his designee.

F. <u>E-mail</u>, E-mail Subscription Lists and Communication with the City

Information that allows for the personal identification of a website user contained in a communication sent to the City in an e-mail message or in an online form submitted to the City will be used by the City to respond to the request. The City may redirect the message to another City department or person who is in a better position to answer the question.

The City websites provide users the opportunity to subscribe to and unsubscribe from informational e-mailing lists. E-mail addresses will only be used by the City to send messages related to categories of information requested by the subscriber. To the extent authorized by law, information from email subscription lists that allows for the personal identification of a website user shall be kept private if the individual submitting the information has indicated a wish that the information remain private. E-mail addresses are not, and shall not be, visible or available to other list members.

Communication made through the City website shall in no way be deemed to constitute legal notice to the City or any of its departments, officers, employees, agents, or representatives, with respect to any existing or potential claim or cause of action against the City or any of its departments, officers, employees, agents, or representatives, where notice to the City is required by any federal, state or local laws, rules, or regulations. The City does not accept service of notice or process through its website.

G. Disclosure and Disclaimer Statement

While the City endeavors to keep its website content accurate and timely, the City neither warrants nor makes representations or endorsements as to the quality, content, accuracy, timeliness, or completeness of the information, text, graphics, links, and/or other items or material contained on or within the City website, its server or any other server accessible through the City website. Any and all such information, text, graphics, hyperlinks, and/or other items or material are distributed, made available and transmitted "as is", without warranty of any kind, whether express or implied, including without limitation, warranties of title or implied warranties of merchantability or fitness for a particular purpose, and any and all such warranties are expressly disclaimed.

Disclaimer of Liability

The City of Newport Beach is not responsible for any special, indirect, incidental or consequential damages that may arise from the use of, or the inability to use, the City website and/or the materials contained on the website. Each website user assumes any and all risks concerning the quality, content, accuracy, timeliness, and/or completeness as to any and all information received. City website information is subject to change without notice from the City as a result of updates and corrections.

To the extent permitted by law, commercial use of information, data, material and/or any other content found on or accessible through the City website, is prohibited without the written permission of the City.

The City is neither responsible nor liable for any viruses or other contamination of any user's system, nor for any delays, inaccuracies, errors or omissions arising out of use of the City website or with respect to the material contained on the website, including without limitation, any material posted on the website.

Adopted - July 28, 2009